

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ELSAM HASSAN,

Plaintiff,

-against-

CAPTAIN WILLIAMS, et al.,

Defendant.

USDC SDNY
DOCUMENT
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19-CV-8864 (AJN) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

On November 22, 2019, the Hon. Alison J. Nathan, United States District Judge, issued an Order of Service (Dkt. No. 11), which (1) requested that defendants the City of New York; Captains Williams, Marral and White; and Correction Officers (COs) Brown, Witkins, Black, Davis, Rodriguez #11007, John Doe #8724, Paul, and Atkins waive service of summons; and (2) directed *pro se* plaintiff Elsam Hassan to file an amended complaint, within thirty days of the date of the Order of Service (*i.e.*, by December 21, 2019), "in which he provides more detailed, descriptive information for each" of the defendants identified only as John or Jane Doe in plaintiff's complaint. *Id.* at 3.

On December 17, 2019, counsel for defendants filed unexecuted waivers of service as to defendants Williams, Marral, White, Brown, Witkins, Black, Davis, Rodriguez, Paul, and Atkins, writing that none of these individuals could not be served: because they had a common name (as to COs Brown, Black, Davis, and Paul); because there were no matches for an individual with that name (as to Captain Marral and CO Witkins); because the City could not identify the individual with the information provided (as to Captain White); because there was more than one person with that name in the agency (as to Captain Williams and CO Atkins); or, in the case of "Rodriguez #11107," because there were no matches between that name and that

shield number. (Dkt. Nos. 15, 16.) Thereafter, counsel for defendants filed an executed waiver of service as to "John Doe #11007," who was identified as CO Rodriguez. (Dkt. No. 17.)

Plaintiff has not filed an amended complaint.

In order to facilitate the identification of and service upon the defendants named in this action, it is hereby ORDERED that:

1. No later than **January 31, 2020, plaintiff Elsam Hassan** shall file a letter:
 - a. **Providing additional information** about Captains Williams and White and COs Atkins, Brown, Black, Davis, and Paul, such as those individuals' hair color, height, or eye color, and any other information that might help identify those individuals.
 - b. **Providing alternative spellings** of the names of Captain Marral and CO Witkins, if possible, as well as any other information that might help identify those individuals (such the information listed above).
2. No later than **February 11, 2020**, counsel for defendants shall file a letter:
 - a. Explaining whether the New York City Department of Correction (DOC) has attempted to identify the defendant "John Doe #7824"; if so, the status and/or results of that attempt; and whether the DOC will agree to waive service of the summons and complaint on "John Doe #7824";
 - b. Informing the Court how many male captains named Williams were "assigned and employed in intake as main intake" at the George R. Vierno Center (GRVC) "between 8:00 to 11:00 pm" on August 11, 2016, *see* Compl. (Dkt. No. 1) at ECF page 24;

- c. Informing the Court how many male COs named Atkins were "employed in [the] 19A housing unit at G.R.V.C." on August 22, 2016, "between 9:00 am to 12:00 noon," *see* Compl. at ECF page 28;
- d. Identifying, based on plaintiff's supplemental descriptions and/or the descriptions listed in ¶¶ 1-28 of plaintiff's complaint under "DEFENDANT'S INFORMATION" (*see* Compl. at ECF pages 23-30), the individuals listed in defendants' unexecuted waivers of service dated December 17, 2019 (Dkt. Nos. 15, 16);
- e. Identifying, to the extent possible, each of the John and Jane Doe defendants listed in ¶¶ 1-28 of plaintiff's Complaint under "DEFENDANT'S INFORMATION," *see* Compl. at ECF pages 23-30.

The Clerk of Court is respectfully directed to mail a copy of this Order, together with an updated docket sheet, to the plaintiff *pro se*.

Dated: New York, New York
January 3, 2020

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge